Declaration and Power of Attorney for Patent Application 特許出願宣誓書及び委任状 Japanese Language Declaration 日本語宣言書

下記の氏名の発明者として、私は以下の通り宣言します。

As a below named inventor, I hereby declare that:

私の住所、私書箱、国籍は下記の私の氏名の後に記載さ れた通りです。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明に関して請求範囲に記載され、特許出願 している発明内容について、私が最初かつ唯一の発明者(下

I believe I am the original, first and sole inventor (if only one name is listed below) or an original

hill hall	記の氏名が一つの場合)もしくは最初かつ共同発明者であると(下記の名称が複数の場合)信じています。	first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled	
	BRUSH HOLDING DEVICE CAPABLE OF REDUCING NOISE		
a And He Man of	上記発明の明細書(下記の欄で×印がついていない場合は、本書に添付)は、	the specification of which is attached hereto unless the following box is checked:	
W. Levels theret Some South Sheet	□に提出され、 米国出願番号または特許協力条約国際出願番号を —とし、 (該当する場合)に訂正されました。	□ was filed onas United States Application Number or PCT International Application Numberand was amended on(if applicable).	
	私は、特許請求範囲を含む上記訂正後の明細書を検討し、 内容を理解していることをここに表明します。	I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.	
	私は、連邦規則法典第37編第1条56項に定義される とおり、特許資格の有無について重要な情報を開示する義	I acknowledge the duty to disclose information which is material to patentability as defined in Title 37,	

Japanese Language Declaration (日本語宣言書)

Prior	Priority Not Claimed			
	の先行出願			(優先権主張なし)
1.	2000 - 268959	Japan	5 / September / 2000	
	(Number) (番号)	(Country) (国名)	(Day/Month/Year Filed)	(出願年月日)

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/773,121 Filing Date: February 05, 2004 Appellant(s): HARRIS ET AL.

Daniel T. Lund For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 8, 2007 appealing from the Office action mailed March 6, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

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Art Unit: 3700

(8) Evidence Relied Upon

6,847,849 Mamo et al.

6,146,371 DeWindt et al.

5,255,691 Otten

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 1. Claims 1-22 and 24-50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mamo et al. (US Patent Publication 20020147485 A1) in view of DeWindt et al. (US 6,146,371). Mamo et al. discloses a dilator with a conical distal tip and sheath as depicted in figures 8a-8c, in addition to a needle and a guide wire for application of neurostimulation therapy. "The needle is adapted to be withdrawn over the guide wire, and the dilator is adapted to be inserted over the guide wire proximal end to locate the guide wire within the dilator body lumen and to be advanced distally over the guide wire through the insertion path to dilate the insertion path to the dilator diameter" (page 2, paragraph 10). The process is displayed in figure 9a.